

E-Filed 8/3/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CLAUDE BENNET and PAMELA BENNETT,

Plaintiffs,

v.

SUNTRUST MORTGAGE, INC.,

Defendant.

Case Number C 10-3375 JF

ORDER¹ DENYING WITHOUT
PREJUDICE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER

Plaintiffs seek a temporary restraining order (TRO) preventing Defendant from foreclosing on and selling Plaintiffs' primary residence, which is located at 508 Herrmann Drive in Monterey, California.

Upon review of the complaint and TRO application, the Court finds that Plaintiffs' specific factual allegations are insufficient to enable it to evaluate the merits of Plaintiffs' claims against Defendant. Although the complaint is thirty-three pages in length, virtually none of the allegations describe the details of Plaintiffs' loan or Defendants' alleged actions with respect to the loan transaction. The application also is untimely. Plaintiffs do not explain why their

¹ This disposition is not designated for publication in the official reports.

1 application was filed only two days before the proposed foreclosure sale despite the lengthy
2 notice periods provided under California law.

3 Accordingly, the application is DENIED without prejudice.

4 **IT IS SO ORDERED.**

5 Dated: 8/3/2010

6 
7 JEREMY FOGEL
United States District Judge